IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2066 of 2005

Between:

V.Y.Bhaskar, s/o Yadagiri,
R/o 12-8-424/1, Mettuguda, Secunderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, rep., by its Commissioner, Tank Bund Road, Hyderabad.
2 Additional Commissioner (Planning), Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad.
3 Assistant City Planner (A.C.P.VIII) Municipal Corporation of Hyderabad, Secunderabad Zone, Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order, direction preferably a writ of mandamus declaring the action of the respondents in forcibly demolishing the property bearing H.No. 12-8-424/1, Mettuguda, Secunderabad without giving any notice to the petitioner herein as illegal, arbitrary and violative of Articles 14 and 300A of Constitution of India and opposed to the principles of the natural justice and to direct them to follow the provisions of the Municipal Corporation Act for acquiring the property of the petitioner, if the respondents intend to acquire the land for the purpose of road widening.

Counsel for the Petitioner: SMT.W.V.S.RAJESWARI

Counsel for the Respondents: SMT.G.JYOTHI KIRAN, Standing Counsel for Hyderabad Municipal Corporation.

The Court at the admission stage made the following:

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O R D E R:

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This writ petition is filed seeking a declaration that the alleged action of the respondents in demolishing the petitioner's property bearing H.No.12-8-424/1, Mettuguda, Secunderabad, without giving any notice as required under the statute is arbitrary and illegal.

The petitioner states that he is the owner and possessor of the premises in question. It is also stated that the said premises is being used as residential premises as well as for carrying on bamboo business under the name and style of Vanamala Enterprises. It is alleged that on 07-02-2005, the officials of the respondent-Corporation have partly demolished the premises by pulling out the bamboo fence. The petitioner contends that the said action of the respondent-Corporation is arbitrary and illegal since they failed to issue any notice as mandated under the provisions of the Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as 'the Act'). Hence, this writ petition.

This Court, while granting time to the learned standing counsel for the respondent Corporation to get instructions, by order dated 08-02-

2005, directed the respondents not to interfere with the possession of the petitioner in respect of the house bearing No.12-8-424/1, without following due process of law.

Today, the learned standing counsel, under instructions, states that the respondents are not interfering with the possession the petitioner and no steps are being taken to demolish the said house as alleged by the petitioner.

The said statement of the learned standing counsel is placed on record.

However, keeping in view the specific plea taken by the petitioner that still there is a threat of dispossession by the officials of the respondents, it is made clear that the respondents shall not interfere with the possession of the petitioner in respect of the house in question without notice to the petitioner and without following the procedure contemplated under Sections 146 and 147 of the Act.

The Writ Petition is accordingly disposed of. No costs.

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(**G. ROHINI, J**)

Date:09-02-2005

Note:

Office to issue CC in two days.

B/o

ghn

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.

2 The Additional Commissioner (Planning), Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad.

3 The Assistant City Planner (A.C.P.VIII) Municipal Corporation of Hyderabad, Secunderabad Zone, Secunderabad.

4 Two CD copies.